



"City of Choice"

**City Council Meeting**  
**CIBOLO MUNICIPAL BUILDING**  
**200 S. MAIN**  
**September 10, 2013**  
**7:00 P.M.**

**MINUTES**

1. Call to Order – Mayor Hartman called the meeting to order at 7:05 p.m.
2. Roll Call - Council Present: Mayor Hartman, Councilman Troncoso, Councilman Castro, Councilwoman Hale, Councilman Carlton, Councilman Liparoto and Councilman Hicks; Council Absent: Councilman Pedde; Staff Present: CM Herrera, City Attorney Zech, Attorney Erkan, City Secretary Cimics, City Engineer Klein, ED Director Luft, Finance Director Miranda, Fire Chief Niemietz, Police Chief Cox, Public Works Director Fousse, Development/Planning Services Stricker and City Planner Anderson.
3. Invocation – Invocation was given by Councilman Castro.
4. Pledge of Allegiance – All in attendance recited the Pledge of Allegiance.
5. Public Hearing
  - A. The City of Cibolo City Council will hold a Public Hearing to hear testimony concerning the voluntary annexation of 119.5239 acres east of FM 1103, north of Coy Lane, east of Saddle Creek Ranch Units 1-4 and south of Green Valley Road.

Mayor Hartman opened the Public Hearing at 7:06 p.m. City Planner Anderson briefed this item and council was given a service plan for the annexation. No citizen's spoke and the Mayor closed the Public Hearing at 7:08 p.m.

6. Citizens to be Heard

This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time, however, City Council may present any factual response to items brought up by citizens.

The following citizens spoke during the Citizens to be Heard:

Maggie Titterington – Schertz Chamber – Chamber luncheon is scheduled for next Tuesday, Golf Classic is October 18<sup>th</sup> proceeds go toward Dekka Program. Oct 24<sup>th</sup> will be Meet the Candidate Night and Cibolo candidates will be scheduled between 6 to 7 p.m. Charles Boarman a homeowner of Cibolo since 2009 and lives on Zoeller Way moved to Cibolo because of their Master Plan. He was never notified of rezoning and feels that the zoning should be re-evaluated. Daniel Cosner stated that he made an open records request for all the zoning correspondence on the zoning of 2010 on the property known as the Tokar property. George Twist stated that he was annex into the City in 2010 and pays approximately \$800 in taxes. Green Valley Road is in terrible condition and needs immediate repair. Mr. Twist stated that he took a count of the vehicles going down Green

Valley Road between Dean Road and FM 1103 on September 4<sup>th</sup> and September 5<sup>th</sup>. On September 4 there were 155 cars and 6 buses that went down this road between 7 – 8:30 a.m., on September 5 there were 147 cars go down this road. Mr. Twist also stated no one mows the side of the road unless he makes a call to the City. Karina Hill from Bentwood Ranch would like to have a Workshop on the 380 Agreement. Ms. Hill also asked council not to avoid the responsibility for the negotiations. Catherine Benecke wants City Council to take time to review the 380 Agreement and to make it represent the citizen's request. Lisa Jackson four year Cibolo resident stated that the people of Cibolo trust the council to represent the citizens. Ms. Jackson asked for a 60 day moratorium. Joel Hicks stated that Wal-Mart was coming if the small groups of people like it or not. Request that City Council approve the 380 Agreement. John Walters lives on Zoeller Way and he stated that before moving in he did check the zoning of the property behind him and it was zoned light commercial. He stated he received no notice of re-zoning as required by law and wanted to know when they were going to be given that right. Andre Larkins stated that Wal-Mart is not wanted in Cibolo and they will only come if the citizens want them to come. Staci Markusfeld stated that she had requested an open record from the City on the 2010 re-zoning and received a letter that was not signed. There were two workshops but only those individuals that were being re-zone were in attendance no one from the 200ft area attended. Ms. Markusfeld stated that she had contacted the school district, HOA's and over 125 citizens but no one could produce a letter or remember ever receiving a letter from the City. Ms. Markusfeld wants council to look into the process and this zoning as citizens were not properly notified. She filed an appeal over a week ago and still has not received a reply. Would like the City Council to formally investigate the Planning/Development Service Department and staff to see if all policies and regulations were followed and that staff is qualified to hold the job they are presently assigned to. She also would like to have an independent party investigate. Tannya Steffen stated to council that she felt that the zoning was done incorrectly. Ms. Steffen stated she placed an open request in on Aug 5 and it took a month to receive it back due to the delay from the attorney's office. Would like the an investigation into the Policy and Procedures used for zoning and re-zoning especially the zoning that took place in September 2010.

## 7. Presentation

- A. Presentation/Discussion on the Alamo Regional Transit from Dean Danos Alamo Area Council of Governments.

Mike Quinn and Bill Mosley from the Alamo Area Council of Governments briefed the council and all in attendance on the Alamo Regional Transit Program. They provide transportation within 12 Rural Counties and to Bexar County. Those citizens utilizing the service are disabled, senior citizens and veterans. Cibolo residents had 114 total trips during 2012, 55 trips for medical appointments, 52 for shopping and 7 miscellaneous trips.

## 8. Consent Agenda – Consent Items (General Items)

- A. Approval of the minutes of the Special City Council Meeting held on August 22, 2013.
- B. Approval of the minutes of the Special City Council Meeting held on August 26, 2013.
- C. Approval of the minutes of the Regular City Council Meeting held on August 27, 2013.
- D. Acceptance of the Revenue & Expense Report ending July 31, 2013 pending final acceptance of the City's financial audit for the 2012/13 Fiscal Year.
- E. Acceptance of the Check Register for ending July 31, 2013 pending final acceptance of the City's financial audit for the 2012/13 Fiscal Year.

Councilman Castro moved to approve the consent agenda. Motion was seconded by Councilwoman Hale. For: Council Members: Troncoso, Carlton, Liparoto, Hicks, Castro and Hale; Against: None. Motion carried 6 to 0.

9. Staff Updates/Discussion

- A. Fire Department
- B. Court Department
- C. Planning/Developmental Services Department
- D. Administration

City Manager Herrera briefed council that the budget was completed and that the auditor would be in Cibolo very shortly.

10. Discussion/Action

- A. Discussion/Action on the removal, appointments and re-appointments to Planning and Zoning Commission, Parks Commission, Streets and Drainage Commission, Board of Adjustments Commission, Capital Improvement Program (CIP), Charter Review Committee and Cibolo Economic Development Corporation.

No action taken.

- B. Discussion/Action and direction to staff on Cibolo's nomination to the Guadalupe Appraisal District Board of Directors.

City Secretary asked council if they would like to nominate Sylvia Schlather to the Guadalupe Appraisal District as she has been the Cibolo nominee in the past. Council gave direction to contact Ms. Schlather to find out if she was still interested in serving on this board. If Sylvia Schlather is interested in serving another term bring a resolution back to council at the next meeting.

- C. Discussion/Action and direction to staff on a establishing a City Ordinance designating areas of no parking, no standing and no stopping near Wiederstein Elementary School.

Staci Markusfeld signed up to be heard on this item: She stated that she was concerned for the safety of the school children that walk out the back and on to Zoeller Way from Wiederstein Elementary School. Chief Cox briefed this item and did show a video from 2 years ago. There has been a dramatic improvement from that date. Direction was for a four way stop at Crenshaw and Zoeller Way and to incorporate this with the Safety Route to School and develop a no parking zone not only at Wiederstein but also at the other schools in Cibolo.

- D. Discussion/Action on the Unified Development Code Policies.

Councilman Liparoto stated that the UDC Committee term expired and council had in the past stated that changes needed to be made. Mr. Liparoto would like to see either a workgroup or a Council Workshop. Council agreed to a Council Workshop to include a couple members of the Planning/Zoning, Street & Drainage and the previous UDC Committee but post that a possible quorum of each committee may be present at the meeting. Council will look at a date during item 10I.

- E. Discussion on the R&D Burger permit for Alcohol.

Councilman Liparoto was concern that R&D burger was denied a permit. Councilman Liparoto did find out that they did not apply because if they applied would be turned down. Councilman Liparoto was not able to talk to owner at this time. Councilman Castro informed council that he did talk with the owner they did not applied but did not say why. Councilman Liparoto was concern about the time and effort by staff to discern a citizen that brought this item up at citizens to be heard. Thought that it was a little heavy handed on the way staff approached this item. Planning/Development Services Director Stricker stated that he did write a letter and did get the owner to sign but in no way was heavy handed. R&D Burger did ask about a permit at time of building but was told that they were close to a school and daycare but in no way were they turned down by the City nor did R&D Burger ever applied for a alcohol license.

- F. Discussion/Action and direction to staff on drainage projects and minimum standards required for the projects.

Mayor Hartman discussed this item and wanted to see a minimum standard on ditches. The Mayor was concern if the City does not address the issue now it will become a financial burden the HOA's and City will face in the future. City Engineer Rudy Klein will give council a presentation at the next meeting and all recommendations will be sent to the Street & Drainage Commission for their review and comments to council.

- G. Discussion/Action and direction to staff on procedures for the City's record notification/records management and use of the City Seal on all official documents.

There were a few citizens that spoke on this item: Staci Markusfeld, Tonnya Steffen and Paul Buell. All these citizens spoke on the paperwork of the 2010 zoning. Mayor Hartman stated that the City Charter was clear that the City Secretary is the custodian of all City records and shall affix the City Seal to all appropriate documents. The Mayor would like staff to bring back to council at the next meeting ideals that they feel should be part of the City of Cibolo's official records. After the review by staff and council bring a resolution back for approval.

- H. Discussion on what constitutes an official e-mail or letter from a citizen to the city council.

Councilman Hicks stated that he receives numerous e-mails from people and that he would like to take care of the citizens that live in Cibolo but can't tell if the e-mails are from Cibolo residents as they come from all over the area and from out of state. He would like Cibolo residents to provide their address then addressing council members.

- I. Discussion/Action on the review and confirmation of all upcoming special meetings and workshops and scheduling the time, date, and place of additional special meetings or workshops.

Council went over the September and October 2013 calendar. A meeting was scheduled for Monday, September 16, 2013 starting at 5:00 p.m.

## 11. Ordinances

- A. Approval/Disapproval of an Ordinance of the City of Cibolo adopting the Budget for Fiscal Year 2013/2014 beginning October 1, 2013 and ending September 30, 2014 and revising the Budget for the preceding Fiscal Year ending September 30, 2013.

Councilman Liparoto moved to approve the Ordinance adopting the Budget for Fiscal Year 2013/2014 beginning October 1, 2013 and ending September 30, 2014 and revising the Budget for the preceding Fiscal Year ending September 30, 2013. Motion was seconded by Councilman Hicks. For: Council Members: Troncoso, Castro, Hale, Hicks, Troncoso and Liparoto; Against: None. Motion carried 6 to 0.

- B. Approval/Disapproval of an Ordinance of the City of Cibolo to ratify increase of \$641,000 in property tax revenues from last year's operating budget as reflected in the 2013-2014 proposed budget.

Councilman Troncoso moved to approve the Ordinance of the City of Cibolo to ratify increase of \$641,000 in property tax revenues from last year's operating budget as reflected in the 2013-2014 proposed budget. Motion was seconded by Councilman Carlton. For: Council Members: Castro, Hale, Hicks, Liparoto, Carlton and Troncoso; Against: None. Motion carried 6 to 0.

- C. Approval/Disapproval of an Ordinance of the City of Cibolo, Guadalupe County, Texas levying a tax rate of 0.4454 for the tax year 2013.

Council Liparoto moved to approve the property tax rate be increased by the adoption of a tax rate of 0.4454, which is effectively a 6.57 percent increase in the tax rate. Motion was seconded by Councilman

Carlton. For: Council Members: Castro, Troncoso, Hale, Hicks, Liparoto and Carlton; Against: None.  
Motion carried 6 to 0.

- D. Approval/Disapproval of an Ordinance of the City of Cibolo amending Ordinance 1055 declaring amendments to the City of Cibolo Home Rule Charter.

Council asked to talk about this item in Executive Session. No action was taken.

- E. Approval/Disapproval of an Ordinance of the City of Cibolo amending Chapter 74 (Traffic and Vehicles) of the Code of Ordinances by authorizing the installation and maintenance of a three-way stop intersection at the intersection of Green Valley Loop and Persimmon Drive.

Councilman Troncoso moved to approve the Ordinance of the City of Cibolo amending Chapter 74 (Traffic and Vehicles) of the Code of Ordinances by authorizing the installation and maintenance of a three-way stop intersection at the intersection of Green Valley Loop and Persimmon Drive. Motion was seconded by Councilman Carlton. For: Council Members: Castro, Hale, Liparoto, Hicks, Carlton and Troncoso. Motion carried 6 to 0.

## 12. Executive Session

Prior to going into Executive Session City Manager Herrera gave a presentation on the 380 Agreement. The following citizens signed up to be heard at this time. Pat O'Brien stated that the council needed to approve a 380 with Wal-Mart it was like having a tax free loan. City has been working for a long time to bring businesses into the City. Brent Hartman gave his time to Frank Burney – Land Use Attorney representing Falcon Ridge and Bentwood Ranch. Mr. Burney stated that the City had violated land use and ignored the Master Plan. City needs to take its time and do this right and give the citizens a voice.

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Sec. 551.071 Consultation with Attorney and 551.087 deliberations regarding Economic Development to discuss the following:

- A. Deliberate and discuss an offer of a financial or other incentive to a business prospect the governing body seeks to have locate on property located on Cibolo Valley Drive between Main and Borgfeld and legal issues associated with the agreement.
- B. Discuss the lease/sale of City of Cibolo property located on FM 2252 in Garden Ridge, Texas.

Council convened into Executive Session at 9:59 p.m.

## 13. Open Session

Reconvene into Regular Session and take action/or give direction, if necessary, on items discussed in Executive Session

Council reconvened into Regular Session at 11:01 P.M. Motion was made by Councilman Liparoto to table Item 12B until Monday, September 16, 2013 so all council members will be available. Motion was seconded by Councilwoman Hale. For: Council Members: Troncoso, Castro, Carlton, Hicks, Hale and Liparoto; Against: None. Motion carried 6 to 0.

## 14. Resolution

- A. Approval/Disapproval of a Resolution by the City Council adopting a program under the Texas Local Government Code Chapter 380; and authorizing the City Manager to execute an Agreement made pursuant to TLGC Chapter 380 with Wal-Mart Real Estate Business Trust, regarding the grant of certain tax rebates relating to the development of approximately 24.75 acres located at the southwest corner of the intersection of Borgfeld Road and North Main as Retail Development; and providing an effective date.

Mr. Morales representing Wal-Mart spoke to council and stated that they want to continue to work with staff and council. No action taken.


15. City Council request(s) regarding specific items to be scheduled for future agendas.

Mayor Hartman requested the Masonry Ordinance be brought back to council that was discussed in August 2013. Councilman Castro requested an Engine Brake Ordinance and Deer Meadow speed limit be discussed at the next meeting.


16. Adjournment:

Councilman Carlton moved to adjourn the meeting at 11:18 P.M. Motion was seconded by Councilman Hicks. For: All; Against: None. Motion carried 6 to 0.

PASSED AND APPROVED THIS 24<sup>TH</sup> DAY OF SEPTEMBER 2013.

  
Steve Liparolo  
Mayor Pro-Tem

ATTEST

  
Peggy Cimics, TRMC  
City Secretary

